



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,565	02/22/2000	Steven P. Levi	777.086US3	2988

22801 7590 02/28/2003

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
2142	15

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/510,565	LEVI ET AL.
	Examiner Thong H Vu	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-19,37-39 and 42-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-19,37-39,42 and 62-66 is/are rejected.
- 7) Claim(s) 43-61 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,6,9,14</u> . | 6) <input type="checkbox"/> Other: _____ . |

1. This office action is in response to Amendment filed 1/03/03. Claims 17-19,37-39 and 42-66 are pending. The rejection is cited as stated below.

2. Claims 17-19,37-39,42,62-65 are rejected under 35 U.S.C. § 103 as being obvious over Malouf et al [Malouf 5,452,435] in view of the obviousness in the art

3. As per claims 37,42,17 Malouf discloses the invention as substantial as claimed, such as a computer system, a computer-readable storage medium holding a logical structure (i.e.: object oriented programming) that encapsulates components comprising:

multiple streams of data wherein the streams of data are stored in packets (i.e.: video and audio streams);

clock licenses (i.e.: a class of clock object) that each dictate advancement of a clock (i.e.: synchronization scheme).

However Malouf does not detail the clock license that regulates rendering of the data in the packets. It is well-known in the art that the clock signal/ clock generator/ digital timer could be regulated to render the data such as a image or graphic [see Kobayashi, col10 lines 4-25; Fields Jr., col 6 lines 35-50;Cannon, col 1 lines 45-65;Olmstead, col16 lines 40-55; Takeuchi, col 36 line 50-col 37 line 15; Deering, col 3 lines 30-52; Guttag, col 73 line 47-67]. Examiner interpreted the regulated function as rule, policy, configuration which included clock signal, error correction code, type, size length, or other information carried by packet to render the image at destination.

a clock license being encapsulated (i.e.: encode or insert) into at least one packet for advancing a clock at a destination when processed at the destination which is equivalent to a media stream (i.e.: audioplayer object determining an audio channel

Application/Control Number: 09/510,565
Art Unit: 2142

driver object) [col 9 lines 25-42]; or the Callback object wherein the clock is attached [col 10 lines 47-57]; or inserted in the time-ordered list in the RootClock [col 15 lines 30-36].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the well-known technique of using clock signal or clock license to regulate and render the data packets into the Malouf's apparatus in order to utilize the class of clock object, synchronization scheme. Doing so would provide quick, simple and efficient clock signal that regulates rendering the data packets.

4. As per claims 18,38 Malouf discloses wherein each clock license includes a time value to which the clock at the destination computer is to be advanced as inherent feature of packet [see Guttag reference].
5. As per claims 19,39 Malouf discloses wherein each clock license includes an expiration time after which the clock license is invalid as inherent feature of clock signal.
6. As per claim 62 Malouf discloses wherein the logical structure includes a header section and a data section, and the error correcting data is stored in multiple packets in the data section as inherent feature of packet.
7. As per claim 63 Malouf discloses wherein to information in the header section of the logical structure indicates what error correcting methodology is used with the error correcting data stored in the multiple packets in the data section as inherent feature of packet.

8. As per claim 64 Malouf discloses wherein the header section holds information regarding multiple error correcting methods as inherent feature of packet.
9. As per claim 65 Malouf discloses wherein the error correcting data identifies a plurality of error correcting methods as inherent feature of packet.
10. As per claim 66 Malouf discloses wherein the error correcting data holds parity bits as inherent feature of packet.

Allowable Subject Matter

11. Claim 60-61, 53-59, 43-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Powell*, can be reached at (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

M

Mark R Powell
MARK POWELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2130